

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL J. BINNS and

MARY ANN BINNS,

Defendants.

Case No. 4:06-cr-220 SNL

ORDER

This is before the Court on Defendants' Motions to Dismiss the Indictment on grounds of multiplicity and Defendant Mary Ann Binns' Motion for Severance. United States Magistrate Judge Audrey G. Fleissig issued a Report and Recommendation on June 22, 2006. All parties filed separate objections to the Report and Recommendations on June 30, 2006. Upon review, the Court concurs with Judge Fleissig's conclusions.


Accordingly,

IT IS HEREBY ORDERED that United States Magistrate Judge Audrey G. Fleissig's Report and Recommendation (#46) is **SUSTAINED, ADOPTED** and **INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss the Indictment on grounds of multiplicity (#31&32) are **DENIED**, but that the government be required to elect on which count it will proceed.

IT IS FURTHER ORDERED that Defendant Mary Ann Binns' Motion for Severance (#35) be and is **DENIED** without prejudice.

Dated this 11th day of January, 2007.

A handwritten signature in dark ink, reading "Stephen T. Limbaugh". The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

SENIOR UNITED STATES DISTRICT JUDGE